4: Petrullo E-5 (1935) 1937
SC13 Goajiro SC13

121 the field of law is 'coterminous with that of organized legal sanctions.' If there are no 'legal sanctions,' obligations are considered as matters of custom and conventions. He further suggests the use of 'public delicts' and 'private delicts' to classify violations of law which in our society would fall into the criminal and civil classes respectively.[3] Malinowski, justly calling attention to the fact that the field of law does not limit itself to prohibitions but also enjoins duties, extends the term to include binding obligations governing the intercourse of daily life and enforced by a 'specific mechanism inherent in the structure of society.'[4]

While it is not within the scope of this paper to examine critically the various concepts of what constitutes law, we may well ask if its existence in primitive society is dependent upon what one accepts as its definition. We are given the choice of admitting either that certain societies do not know law, or that law is present in all societies in the form of reciprocal obligations which include many phases of behavior which we are accustomed to call either custom or moral obligation. Still it may be granted that in any society there occur breaches of custom, which are recognized as trespass on the recognized rights of the individual and perhaps on the entire community, for the composition and rectification of which there are known and accepted acts whose nature is set and limited by precedent. These are in contrast to those breaches which may bring on the offender only social reprobation in a mild form through giving him a 'bad name.' The former ought to fall within the province of law as generally understood in our society, while the latter may properly be included in the field of morals.

105 Before proceeding with a description of Guajiro concepts of law and of custom it may be well to outline briefly the structure of their society. It is estimated that there are between ten and [161] twenty thousand Guajiro inhabiting the peninsula that takes its name from them. Though most of the territory belongs to Colombia and a narrow coastal strip is within Venezuelan borders, the Guajiro live almost independently of both [133] governments. The land is arid, lacking running water except in the hills of Macuire, where there are some springs. Most of

5: Simons K-5 (ca. 1882) 1885
SC13 Goajiro SC13

172 these tumas are all made from carnelian, jasper, or other reddish varieties of silica, and the stone, according to the Indians, is not to be found in the Goajira. While ascending Macuira, several places were pointed out to me, especially near the top, in which I was entreated to look for treasure "of the Arhuaco." They themselves, although coveting tumas above everything, are, curiously enough, afraid to look for them, not hesitating, [171] however, to appropriate any found by chance. This, combined with the fear of mentioning their dead, points to some sort of religion or belief in a superior Being. They evidently took possession by conquest, 174 driving the weaker "Arhuaco" out, and have managed to assert their rights to this day. It is rather an historical anomaly that such a small [161] tribe, which probably never exceeded 80,000, should have been able to conserve intact their absolute freedom, their manners and customs uncontaminated, in spite of the accessibility of their territory, surrounded as it is by the sea, and the continual commerce that has been going on for centuries.

133 Commencing with the topography of the country, the mountain system attracts attention most—more so, as a remarkable error has been propagated, that the Goajira is one large fertile plain with only one or two isolated hills. At least one-half of the country is hilly. There are in fact two Goajiras; one known as the Lower Goajira is the broad level plain extending from the river Rancheria to a little beyond the Teta. The other, or Upper, Goajira is the hilly sterile region between the Teta and Punta Espada. The Upper Goajira is simply a volcanic eruption, a conglomeration of low hills, conspicuous from the many cone-shaped forms, and the parallel ridges in which they have been thrown up. These parallel lines run chiefly north-west by south-east, and are separated by two large plains, thus forming three distinct groups of hills running from sea to sea. The first and most important of the three is the easterly or Macuira range. This fine, bold, interesting mountain mass rises in front of Chimare, about 12 miles from the sea-shore, and terminates at the most easterly point of the Goajira, forming the rocky headland known as the Punta Espada (Jurién). Due to its elevation and position, it serves as a species of cloud-trap detaining the lower clouds that drive in from seawards impelled by the easterly or trade winds, that blow here with great force most part of the year. This is the only spot in all the Goajira that can really be called fertile. I ascended the two highest points. The north or Macuira proper lies in front of Puerto Estrella, and is composed of several peaks ranging between 2400 and 2600 feet above sea-level. 133 241 None of them offer any difficulty in climbing, as the slopes are covered with gardens to within 500 feet of the top. The vegetation is similar [137] to that of the Sierra Nevada at 6000 feet, and the temperature was very low, showing at midday 65° Fahr. The highest point at the southern extremity in front of Punto Espada is Ara-ura. Owing to the low dense

5: Simons K-5 (ca. 1882) 1885
SC13 Goajiro SC13

the site of the old Spanish settlement San Juan de Ipapa. On the west side of the Parashi Hills in the plains is another well-known central trading station Joroy; chief, Majutó, an Ipuana; probably near the old site of the Spanish settlement Moscote. In the neighbourhood are: Guarirpanturi; chief, Concón, an Ipuana. A Dutchman from Aruba has lived here many years, and has become quite an Indian. Alpiapá, a few ranchos on an eminence commanding the whole valley. The Indians here are rather mixed, but the chief is a Pushaina. The well Kapaulora, at the base of the hill, is the finest I saw, and surrounded with rich green vegetation similar to that of Macuira. Katunasió, the most inland station. It is generally the traders that make a rancho known, for the Indians do everything they can to keep their abodes, if not secret, at any rate as much in the dark as possible. The plains being more unsettled than the mountain district, traders do not venture to establish themselves in the interior, as at Morunay or Joroy, so few ranchos are known. The most important place in the Lower Goajira is Guinoua, midway between Riohacha and the Venezuelan town of Las Guardias or Santa Teresa. Paraguaipoa, the new Venezuelan military colony, founded in 1882, counts already 50 houses. It is situated in the plains 12 miles in advance of Santa Teresa, which it completely covers. The garrison at present consists of 30 men, well mounted and found in every respect, under the orders of a commander, two secretaries, and two interpreters; the latter for the purpose of taking statistics as to trade, &c. Altogether it is a model establishment, and does honour to the Government of Venezuela. The entire population of the Goajira may be about 20,000; it does not exceed 25,000, and is not increasing.

As regards manners and customs and the way they enforce their old peculiar laws, these Goajiros are particularly interesting. Of course, like all Indians, they are singularly proficient in begging, stealing, and drinking, but besides these capital vices they add a fourth, that is demanding compensation, tear- or blood-money—principal cause of all the strife and blood feuds between the castes, and an everlasting danger to Indians and strangers alike. Whereas about one-quarter of the male population die a violent death from its result, another quarter are killed by drink and its effects. The laws that govern these compensation cases are very intricate, their number is legion. First is the terrible law of retribution, that makes a whole caste responsible for the acts of any single member. As the Spaniards or white men are considered by the Indians as belonging to one large family, the country is very unsafe for travelling, for every white man is a sort of hostage for the good behaviour of the others. If an Indian should be killed in a quarrel by a white man, the life of another white man, living leagues away, depends upon whether the foe (relations of the dead Indian) or a friend brings the news first. Many an innocent unconscious trader has been sacrificed at one end of the peninsula for a foul murder committed at the other end.

8:Armstrong & Métraux E-4 (no date) 1948
SC13 Goajiro SC13

175 During the Colonial Period, the *Goajiro* were hostile toward the Span-
648 iards. After 1830, however, as a result of better treatment from the Whites, thanks in part to the efforts of Juan MacPherson, they become more friendly. Present authorities in the *Goajiro* region merely regulate frontier traffic.

797 The attempts by the Capuchin Fathers to alter their ways of life have
177 been unsuccessful. Except for the thin Catholic veneer, noticeable in baptismal rites and Spanish names, *Goajiro* social life seems to have been little affected by centuries of contact with Hispanic culture. Foreign influence is more apparent materially in iron implements, utensils, guns, textiles, and ornaments. All the domestic animals are of Spanish origin.

161 As a result of tuberculosis, smallpox, and venereal disease, the *Goajiro*
164 are gradually dying out, and the population estimates found in the literature have become smaller and smaller, the most recent indicating a scant 18,000.

PHYSICAL APPEARANCE

142 The *Goajiro* are usually described as aggressive and untrustworthy, of
[181] medium or small stature (cf. J. A. Mason, 1926, pp. 39, 52), copper colored, with jet-black hair, dark eyes rather obliquely set, a broad and blunt nose, and a large mouth (pl. 72, *bottom, right*). Within the tribes there are physical differences which seem to correspond with social status,
[565] the lower classes being smaller and more Indian in appearance, while those of higher rank are more often of a greater stature, with curlier hair and larger noses.

LANGUAGE

197 The *Goajiro* language belongs to the *Arawakan* family. There is, however, no good analysis of it. A grammar, "replete with errors" according to Simons, was published by Rafael Caledon in 1878. Various word lists have been published from time to time.

CULTURE

SUBSISTENCE ACTIVITIES

241 **Farming.**—The *Goajiro* have a poor opinion of agriculture, and only
[558] the poorer sibs practice it. The one fertile part of the peninsula is near Punta Espada. Here the land is well cultivated, and plantains, maguey, onions, coca, sugarcane, and grain are grown. Tobacco, bananas, maize, gourds, manioc, sweetpotatoes, millet, beans, and watermelons also are raised. Those who own cattle grow only small patches of quick-maturing corn for the purpose of making chicha beer.

22 **Hunting, fishing, and gathering.**—Hunting, fishing, and gathering occupy a minor place. Deer, armadillos, land tortoises, and rabbits are

9: Santa Cruz E-5 (1958) 1960
SC13 Goajiro SC13

cordial, no fights or even harsh words between them was ever noticed, and when Perez was arrested, as mentioned before, his wife showed great concern and distress and did everything possible to have him released from jail and brought home. Still the question of how much real affection, especially on Perez's part, is involved in this marriage cannot be answered with certainty. As regards the grantings of favors to the Guajiro, it is obvious that he makes a careful selection and never or hardly ever grants them to indivduals who could not, in the future, be of some help to him.

Whether or not Perez will attain a position of respect and leadership such as Panchito Silva and José de la Rosa Fernandez enjoy is hard to say, but the writer will try to make an analysis of the situation and draw certain tentative conclusions.

There is no doubt that clan leadership with all its privileges and responsibilities is slowly dying out in the Guajira. Among the 25 odd clans existing at present the writer has met only two individuals who have all the earmarks of a true economic, political, and social leader, namely, Panchito Silva and José de la Rosa Fernandez. Informants have told him that there are two others, the heads of the Epinayú and the Epieyú clans living in the upper Guajira and in Colombia respectively. From what information was gathered these two other leaders fit closely to the pattern described for Silva and Fernandez. The remainder of the clans have no true, powerful leaders, although they do have elder members who are more or less respected and consulted in certain clan matters. Around the turn of the century, however, according to the information gathered first hand from old men like Silva and Fernandez, and from the literature, there were at least twenty powerful leaders among the clans.

Undoubtedly one of the contributing factors to the breakdown of clan leadership has been the great horizontal movement in population among the Guajiro in the last fifty years. Such spread would tend, naturally, to break down the regional characteristics of the clan and ultimately help to bring about a loss of personal contact between a leader and the rest of his clan and hence the loss of control. Whether there are other economic, social, or political factors in operation favoring this breakdown is not fully known. The writer suspects that there may be but this problem would need further intensive investigation. The